

**MINUTES OF THE REGULAR MEETING**  
**MARCH 28, 2005**

The Regular Meeting was called to order by Vice-chairman Hans Arnold at 4:30 P.M. at which time the Pledge of Allegiance was recited. Planning Board Members present were Gerald Green, Ronald Morelle, Jerome Donovan, and Bob Wood. Absent: Chairman Joseph Yagey and Board Member Bob Imobersteg. Also in attendance were Town Supervisor Ralph Humphreys; Police Chief Raymond Philo; Codes Enforcement Officer Jerry Back; Town Planner Kurt L. Schwenzfeier, AICP; Town Engineer John Meagher; and Secretary Dory Shaw.

Minutes of the January 28, 2005 and February 28, 2005 Planning Board meetings were distributed and reviewed by the Board Members. Motion was made by Board Member Ronald Morelle to approve the January 28<sup>th</sup> minutes as written; seconded by Board Member Bob Wood. All in favor. Motion was made by Board Member Bob Wood to approve the February 28<sup>th</sup> minutes as written; seconded by Board Member Ronald Morelle. All in favor.

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Final Approval of **Valley Gymnastics, 117 New Hartford Street, New Hartford.** Proposal to convert the rear cold storage building to office use. Lot Size area: .4 Acres; Zoning: Retail Business 2. Tax Map #329.006-3-15. Mr. Donald D. Ehre, P.E., appeared before the Board.

Vice-chairman Arnold asked Town Planner Schwenzfeier to summarize where this application is with the Site Plan Review process. Town Planner Schwenzfeier referred to the drainage/culvert pipe issue with Niagara Mohawk. Niagara Mohawk has notified their property department regarding this collapsed culvert and they will review this issue. Mr. Ehre addressed the Board and referred to the location of the pipe on the plans. The pipe is silted in – it is off Valley Gymnastic's property and on Niagara Mohawk's property. Mr. Ehre explained that there is an open ditch on the property and water sets there now during rainy times of the year, but it does dry up because it is a graveled soil. Board Member Green asked Mr. Ehre is there is a serious runoff problem now that exists on Niagara Mohawk property from Valley Gymnastics – Mr. Ehre said no. He feels that Niagara Mohawk has been put on sufficient notice about this pipe. Vice-chairman Arnold feels Niagara Mohawk should put in a culvert pipe to make sure drainage runs properly. He feels the Town Planner or the Planning Board should send Niagara Mohawk a letter or make an appointment to talk to someone about this.

There being no further discussion on this issue, Town Planner stated that the applicant and Mr. Donald Ehre, P.E., agreed to sign the Pre-development Agreement and Memorandum of Understanding.

Motion was made by Board Member Jerome Donovan to close SEQR with a negative declaration; seconded by Board Member Bob Wood. Vote taken:

Vice-chairman Hans Arnold – yes      Board Member Jerome Donovan – yes  
Board Member Bob Wood – yes      Board Member Ronald Morelle – yes  
Board Member Gerald Green – yes

Motion approved by a vote of 5 – 0.

Motion was made by Board Member Jerome Donovan to grant Preliminary Approval; seconded by Board Member Ronald Morelle. Vote taken:

Vice-chairman Hans Arnold – yes      Board Member Jerome Donovan – yes  
Board Member Bob Wood – yes      Board Member Ronald Morelle – yes  
Board Member Gerald Green – yes

Motion approved by a vote of 5 – 0.

Motion was made by Board Member Jerome Donovan to **grant Final Approval to Valley Gymnastics** with the stipulation that the applicant complete all improvements indicated on the submission to the Town within two (2) years of approval date; seconded by Board Member Ronald Morelle. Vote taken:

Vice-chairman Hans Arnold – yes      Board Member Jerome Donovan – yes  
Board Member Bob Wood – yes      Board Member Ronald Morelle – yes  
Board Member Gerald Green – yes

Motion **approved** by a vote of 5 – 0.

Vice-chairman Arnold stated he would send a letter to Niagara Mohawk asking them to reconstruct the culvert in the location identified on the map and to include some redefinition of the swale.

Also, Board Member Morelle asked Mr. Ehre to check with the applicant and ask them to relocate the handicapped parking to the front of the building.

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Vice-chairman Arnold brought the Board Members up-to-date on the following projects as he, other Board Members and Staff have met conceptually:

Preliminary Site Plan Review for a 14,500 square foot **Walgreens Pharmacy** and a 2,100 square foot **Dunkin Donuts** to be located at the former Agway site on **Kellogg Road**. Zoning is Retail Business 2; Lot Size: 2.58 Acres; Tax Map #339.016-1-1. Mr. Tom LoTurco of Clough Harbour & associates, LLP, Mr. Guy Hart, Jr., Partner of HDL Property Group, LLC and Robert Germaine, Esq. of Germaine & Germaine, Attorneys-at-Law, appeared before the Board.

Mr. LoTurco displayed a sketch of the proposed structures and addressed the following:

- two (2) drive-thru's for the Walgreens pharmacy
- location of compactors (no free-standing dumpsters)
- proposed storm water management – storm water from the whole site to be transferred in the back. An infiltration basin with drainage pipes and basins where it will perk into the soil.
- drive-thru shown for Dunkin Donuts – allows for 12 cars to stack.
- signage in the front, and landscaped patches on the site
- traffic report submitted for Kellogg Road site – expected overall level of service to be B
- curb cut aligned with TOPS
- sidewalks in front would be installed if requested
- there will be no food/counter service
- Kellogg Road Walgreens probably not open 24 hours
- building will be brick/limestone, metal roof and awnings
- presented a layout of the interior

The Board Members reviewed the drawings as presented and would like the applicant to address the following:

- response signal light – only one at existing entrance light
- signal installed to favor pedestrian crossing (may be one there to be rephrased)
- street trees to be along Kellogg Road
- additional trees (higher branched trees so as not to create a visibility problem for the building)
- drawing of an additional ingress lane
- a wider sidewalk to accommodate two (2) lanes, i.e., bikers/joggers
- plantings to extend beyond the borders of the site

Discussion ensued regarding parking at the Dunkin Donut site and how the parking calculations applied to Codes. Codes Enforcement Officer Back explained how he determines parking. Town Planner Schwenzfeier said the Planning Board has the ability

to adjust parking requirements on the site if identified by the applicant to be beneficial. This property is two (2) parcels and it would need to be made into one (1) and then parking wouldn't be an issue as this project would be treated as a shopping center.

Mr. Guy Hart of HDL, LLC represents Walgreens and stated that in the event there is a parking/green space issue for them, they would look to the Planning Board to make some request to the Zoning Board of Appeals and they could go forward from there. He feels Walgreens would be accommodating to the Town. He further explained to the Board Walgreens history and policies and how they develop a project.

Motion was made to grant Conceptual Site Plan Approval to Walgreens/Dunkin Donuts project on Kellogg Road by Board Member Jerome Donovan; seconded by Board Member Ronald Morelle. Vote taken:

Vice-chairman Hans Arnold – yes      Board Member Jerome Donovan – yes  
Board Member Ronald Morelle – yes      Board Member Bob Wood – yes  
Board Member Gerald Green – yes

Motion was approved by a vote of 5 – 0.

Mr. LoTurco stated to the Board that he would like to get the Kellogg Road project started as soon as possible.

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Proposal for a 14,820 square foot **Walgreens Pharmacy** to be located at the Inkawhich property on **Commercial Drive and Henderson Street** (across from the proposed Eckerd's). Zoning is Retail Business 1; Lot Size: 2.27 Acres; Tax Map #317.013-1-35-38; 317.013-3-10-12; 317.013-3-21.1. Mr. Tom LoTurco of Clough Harbour & associates, LLP, Mr. Guy Hart, Jr., Partner of HDL Property Group, LLC and Robert Germaine, Esq. of Germaine & Germaine, Attorneys-at-Law, appeared before the Board.

Mr. LoTurco displayed a sketch of the proposed structures and addressed the following:

- two (2) drive-thru's for the Walgreens pharmacy
- location of compactors (no free-standing dumpsters)
- proposed storm water management pond – Mr. LoTurco explained the flow of water and maintenance of the pond.
- signage in the front
- curb cut to be determined with NYSDOT – no traffic study submitted at this time (curb cut may be directly across from the proposed Eckerd's) – they are flexible. Still waiting for data from NYSDOT on the traffic but feel they have traffic reports for this site and associated reports

- there are existing curb cuts, 4 on Commercial Drive and 4 on Henderson Street (they will consolidate them); only two (2) curbs...1 on Commercial Drive and 1 on Henderson Street will remain
- residential property adjacent to rear of project (will converse with homeowner for their input on landscaping or fencing)
- rear yard setback to be addressed – may need Area Variance from New Hartford Zoning Board of Appeals
- sidewalks exist at site – may update
- there will be no food/counter service
- Mudd Creek is not affected with this project (out of the flood plain)
- Commercial Drive Walgreens may be open 24 hours
- building will be brick/limestone, metal roof and awnings
- presented a layout of the interior

Town Engineer John Meagher stated that the side setback for this project in the Village of New York Mills is fine. Discussion ensued regarding the possibility of annexing the property to New York Mills from New Hartford. Vice-chairman Arnold mentioned that this project would need to be reviewed in conjunction with the Village of New York Mills Planning Board. Vice-chairman Arnold recommended getting NYSDOT's reply before any future meetings.

Discussion ensued regarding an access road in the front of Walgreens on Commercial Drive and Mr. Hart explained what would need to be done with the property to accomplish this. It wouldn't change the green space and Mr. Hart indicated it may be workable.

Mr. LoTurco will contact the Town Planner regarding the next Planning Board/Zoning Board of Appeals meetings.

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Vice-chairman Arnold asked the Town Planner to bring the Board up-to-date on the Eckerd's project. Town Planner Schwenzfeier stated that the building will be moved back further into the Town of New Hartford with another row of parking. Negotiations are still being held with Brooks (who bought out Eckerd's). The NYSDOT submitted a letter on March 15, 2005 addressing the driveway on Commercial Drive, the northeast right-turn lane on Commercial Drive and proposed access on Henderson Street – this letter has been made a part of the file and the developer also received a copy.

Board Member Green still has concerns about the taper and the amount of traffic making a right turn. Vice-chairman Arnold feels someone from this Board should meet with Mr.

James Papaleo, Regional Permit Coordinator/NYS DOT to discuss this further and to advise the developer of any inconsistencies.

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Vice-chairman Arnold stated that the Town of New Hartford has been working on a Park and Open Space Master Plan. According to the Town Planner and Town Attorney, there is a mechanism where both of them be incorporated into Town procedures we can require, as residential developing coming in, to set aside park land or a predetermined fee for park and rec land (the fee could be used for park maintenance). The Town Attorney sent him some information regarding this. Under Town Law, the Town Planning Board has to make a Resolution of Findings to do this. Vice-chairman Arnold said he would like to prepare a Resolution – Board Member Green offered his assistance also.

Board Member Donovan asked what type of land is involved – it was mentioned that this would apply to single and multi-family subdivisions – not mobile homes. Vice-chairman Arnold will have a copy of this correspondence make for each Board Member.

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Vice-chairman Arnold asked the Town Planner for an update on the revised Subdivision Regulations. Town Planner Schwenzfeier said they are in the process of being reviewed with Town Attorney Vincent Rossi and will be sent to the Town Board.

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Board Member Donovan asked what the status is for a reply from Attorney Peter Rayhill regarding Longworth Acres with regard to the upper part of the hill to be incorporated under SEQR. Attorney Rayhill was also checking to see if this project is within our jurisdiction to acquire access for open space.

Board Member Green requested a letter be sent to Attorney Rayhill suggesting a time frame for him to respond, as this is what we need to do. Vice-chairman Arnold will do so.

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There being no further business, the meeting adjourned at 6:30 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board  
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